

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2000-251-T - ORDER NO. 2000-820

OCTOBER 9, 2000

IN RE: Application of Dickert's Moving & Storage, Inc., 310 East Durst Avenue, Greenwood, SC 29649 to Transfer Class E Certificate of Public Convenience and Necessity No. 604-E to Dickert's Moving & Storage, Inc., 310 East Durst Avenue, Greenwood, SC 29646 (Mailing Address: Post Office Box 941, Greenwood, SC 29648).)	ORDER APPROVING TRANSFER OF CLASS E CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
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This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of the Application of Dickert's Moving & Storage, Inc. ("Dickert's" or "the Transferor") to transfer Class E Certificate of Public Convenience and Necessity No. 604-E to Dickert's Moving & Storage, Inc. ("the Transferee" or "Flowe"). The requested transfer is pursuant to a contract of sale of the company. Under the contract of sale, Dickert's is selling the company to Randolphe G. Flowe, who will continue to operate the company under the name of Dickert's Moving & Storage, Inc.

Subsequent to the filing of the Application, the Commission's Executive Director instructed the Transferee to cause to be published a prepared Notice of Filing in newspapers of general circulation in the State of South Carolina. The Notice of Filing indicated the nature of the Application and advised all interested parties desiring to participate in the proceeding of the manner and time in which to file pleadings to be included. No Protests or Petitions to Intervene were filed with the Commission.

A hearing was held on August 31, 2000, at 2:30 p.m., in the Commission's hearing room. The Honorable William Saunders, Chairman, presided. Flowe was represented by Peter J. Manning, Esquire. Florence P. Belser, Deputy General Counsel represented the Commission Staff.

A review of the Application reveals that the Transferor has certified the following: (1) that there are no debts or claims against it; (2) that there are no unremitted COD collections due shippers; (3) that there are no claims for loss of or damage to goods transported or received for transportation; (4) that there are no claims for overcharges on property transported; (5) that there are no interline accounts due other carriers; and (6) that there are no wages due employees (of the transferor).

Randolphe G. Flowe, appeared at the hearing and testified regarding Dickert's abilities to provide the services which, as the new owner of Dickert's, he seeks to provide in South Carolina pursuant to the transfer of the Class E authority. According to Mr. Flowe, he is in the process of purchasing the business. Dickert's is a moving company that was incorporated in 1965 by Melvin and Elizabeth Dickert, husband and wife. At that time the business also received its first Class E Certificate from the Commission. In 1979, Mr. Dickert died, and Julius Dickert, son of Melvin and Elizabeth, stepped in and became an owner of the business with Elizabeth Dickert. Later, Julius Dickert became incapacitated and unable to run the business. Mrs. Dickert is now 89 years old and desires to retire. In April 1999, a conservator was appointed for Julius Dickert, and the conservator and Mrs. Dickert are trying to sell the business. Mr. Flowe stated that he is in the process of purchasing the business through the sale of stock but that the stock has not

yet been transferred. After the transfer is consummated, Mr. Flowe will be the sole owner of the business.

Mr. Flowe testified that Dickert's is presently operating as a moving business and has been continuously operating since 1965. As proof of continuous operations, Mr. Flowe presented samples of bills of lading from August 1999 through August 2000. These copies of bills of lading were accepted into evidence and marked as Hearing Exhibit No. 1.

Mr. Flowe offered that transfer of the Certificate would benefit the public as the transfer would result in the continuation of a business in Greenwood. Mr. Flowe also offered that the business under his ownership is fit, willing, and able to provide the moving services authorized by the Certificate. Mr. Flowe stated that the financial condition of the business is improving. According to Mr. Flowe the financial condition of the company had declined over the past couple of years due to the illness of Julius Dickert and the age of Mrs. Dickert. Mr. Flowe indicated that the moving industry in the area would support the business and stated that he hoped to aggressively market the business to the needs of the community.

Mr. Flowe described the equipment of the company as listed in the Application and further stated that the company has a satisfactory safety rating. The business will continue to operate the existing 13,000 square foot storage facility. With regard to personnel, Mr. Flowe stated that all of the current employees will remain with the business, including key personnel with years of experience in the moving industry, and that additional personnel will also be added. Dickert's has been associated with Allied

Van Lines since 1973 and will remain in that association. Association with Allied Van Lines provides the business with name recognition and also provides the opportunity of some training for employees. Mr. Flowe also stated that Dickert's maintains adequate insurance to meet the Commission's insurance requirements. Finally, Mr. Flowe stated that he is familiar with the Commission's Rules and Regulations governing for-hire motor carriers and that the business will comply with those Rules and Regulations.

Mr. Flowe further stated that Dickert's has no outstanding judgments pending against it. According to Mr. Flowe, he wishes to provide the services of Dickert's to the public in South Carolina and believes that Dickert's possesses the necessary experience and qualifications to provide those services in South Carolina.

Mr. Flowe also stated that he believed that the public convenience and necessity would be served by the transfer. Mr. Flowe affirmed that the instant Application involved a transfer of existing authority and not a grant of new authority.

Upon consideration of the merits of the instant Application, the representations contained therein and the documentary evidence attached thereto, and the testimony of witness Flowe and the documentary evidence produced at the hearing, the Commission makes the following findings:

(1) The transfer of the Certificate of Public Convenience and Necessity will not adversely affect the service to the public authorized by said Certificate. According to the evidence before the Commission, Dickert's has been providing services since 1965. Further, Mr. Flowe, a life-long resident of the Greenwood area where the business is

located, testified that the area will support the business and that there exists a need for the business in the Greenwood area.

(2) The Transferee is fit, willing, and able to perform the services authorized under said Certificate as set forth in 26 S.C. Code Ann. Regs. 103-133 (Supp. 1999). Specifically, the Transferee demonstrated fitness by providing evidence of a satisfactory safety rating, by certifying that there are no outstanding judgments pending, and by demonstrating that he is financially fit to do business as a certified motor carrier. Further, Mr. Flowe has acknowledged that he is familiar with the Rules and Regulations governing for-hire motor carrier operations and has agreed to operate the business in compliance with those Rules and Regulations. The Transferee has demonstrated that he is able to provide the services by demonstrating that he has adequate equipment and personnel to provide the services under the Certificate. And the Transferee has provided evidence of willingness by having met the requirements of fit and able and by submitting the Application and completing the Application process.

(3) Finally, the Commission finds that all the services have been continuously offered and reasonably provided to the public for a period of time of not less than 12 months prior to the date of the filing of the Application. Mr. Flowe testified that Dickert's has been providing service in the Greenwood area since 1965. Further, Mr. Flowe provided documentary evidence in the form of bills of lading demonstrating that the services under Dicekrt's Certificate have been offered from August 1999 through August 2000. (See, Hearing Exhibit No. 1).

Based upon the above stated findings, the Commission concludes that the proposed transfer of the Certificate from the Transferor to the Transferee is in the public interest and that relief sought in the Application for the transfer of Class E Certificate No. 604-E should be approved.

IT IS THEREFORE ORDERED THAT:

1. The proposed transfer of Certificate of Public Convenience and Necessity No. 604-E from Dickert's Moving & Storage, Inc. to Dickert's Moving & Storage, Inc. should be, and hereby is, approved.
2. The Transferee shall file the proper license fees and other information required by S.C. Code Ann. §58-23-10 et seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-280 (1976), as amended, which are the Commission's Rules and Regulations for Motor Carriers, within sixty days from the date of this Order, or within such additional time as may be authorized by the Commission.
3. Upon compliance with S.C. Code Ann. § 58-23-10, et seq., (1976), as amended, and the applicable provisions of 26 S.C. Code Ann. Regs. 103-100 through 103-280 (1976), as amended, of the Commission's Rules and Regulations for Motor Carriers, a Certificate of Public Convenience and Necessity shall be issued to the Transferee authorizing the motor carrier services granted herein.
4. Prior to compliance with the requirements set forth herein and the receipt of a Certificate of Public Convenience and Necessity, the motor carrier services authorized herein shall not be provided.

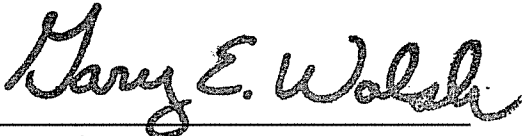
5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)